

May 2, 2016

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VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Dear Ms. Dortch:

Re: Notice of *Ex Parte* Meeting: WT Docket No. 08-7

Dear Ms. Dortch:

On April 28, 2016, Twilio Inc. ("Twilio") conducted an ex parte meeting with Commission leadership and staff from the Wireless Telecommunications Bureau in the above-referenced proceeding. On this date, Commission attendees included the following: Jon Wilkins, Jim Schlichting, Pramesh Jobanputra, Michael Janson, Jennifer Salhus, Karen Sprung, Matt Warner, Mary Claire York, Paroma Sanyal, and Chris Helzer. On April 29, 2016, Twilio conducted ex parte meetings with Johanna Thomas, legal advisor to Commissioner Rosenworcel, and Edward Smith, legal advisor to Chairman Wheeler. Karyn Smith, General Counsel of Twilio, Douglas Gardner, Twilio's Global Head of Carrier Relations, and Emily Emery, Twilio's Government Relations Manager, attended these meetings on behalf of Twilio. Adam Bowser and I attended as Twilio's counsel from Arent Fox.

The purpose of the meetings was to discuss Twilio's Petition for Expedited Declaratory Ruling filed in the above-referenced docket on August 28, 2015. We distributed the attached material, which served as the basis for discussion.

If you have any questions or need additional information, please contact me.

Sincerely,



Michael B. Hazzard

Attachments

Attachments

TWILIO INC.



EX PARTE PRESENTATION; WT DOCKET NO. 08-7



INTRODUCTION

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- II. BACKGROUND ON PETITION AND PREVALENCE OF TEXT MESSAGING**
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- IV. NO FACTS IN DISPUTE: CARRIERS BLOCK WITHOUT REGARD TO CONSENT**
- V. CONSUMER CONSENT SHOULD BE GUIDING PRINCIPLE (TCPA, PUBLIC SAFETY)**
- VI. THE COMMISSION MUST ACT**



I. ABOUT TWILIO

Twilio takes a revolutionary approach to telecommunications.

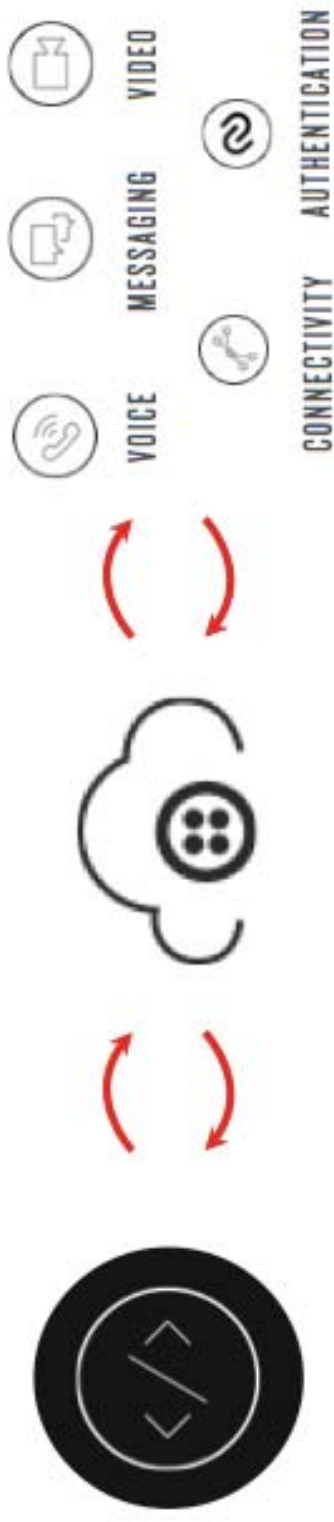
“We take care of the messy telecom hardware and expose a globally available cloud API that developers can interact with to build intelligent and complex communications systems. As your app's usage scales up or down, Twilio automatically scales with you. You only pay for what you use - no contracts, no shenanigans.”

- Twilio provides voice, messaging, video and authentication APIs globally
- Over 900,000 developers have built applications on Twilio
- OTP / Authentication / Two-Factor Authorization; Internet of Things





TWILIO COMMUNICATIONS PLATFORM



BEFORE



CALL

MESSAGE

VIDEO

communications are a
standalone experience

NOW



communications are an
integrated experience





RIDE SHARE SERVICES INSTANTLY CONNECT DRIVERS WITH RIDERS USING TWILIO



BEFORE

- call & wait on hold to order
- call & wait again to find ETA
- call & wait again to change order



NOW

- instant order & confirmation
- instant ETA alert
- instant connection with driver



REMIND CONNECTS TEACHERS WITH PARENTS AND STUDENTS USING TWILIO



BEFORE

- calls and phone trees
- paper handouts
- one-way outreach

NOW

- instantaneous and accessible
- media rich embeds
- two-way interaction



I. ABOUT TWILIO

WORK FLOW OPERATIONS



Alaska Airlines

Coca-Cola

CONTEXTUAL CUSTOMER SERVICE



HYATT®

REAL-TIME MARKETING



trulia®

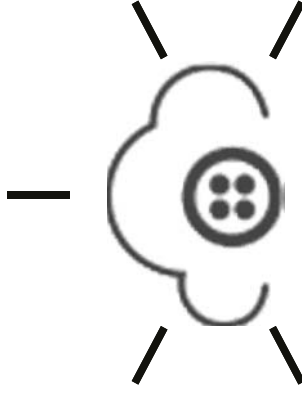
NORDSTROM

CUSTOMER SECURITY

DocuSign. intuit.
box

CONTEXTUAL COMMUNICATIONS

SendHub clearslide





II. BACKGROUND ON PETITION

COMMISSION ACTION NEEDED

- Text messaging is the most ubiquitous form of communication today
- Messaging is a well-established part of the Public Switched Telephone Network (“PSTN”)
- Consumers and businesses expect their messages to be carried without disruption, just like any other call
- Carriers block millions of text messages each month without regard to consumers’ consent or desire
- Clarifying messaging as Title II Communications protects and fosters innovation
- The legacy, carrier-controlled system has become disruptive to the ubiquity and seamlessness of the PSTN



II. BACKGROUND ON PETITION

WORSENING MOBILE OPERATOR BEHAVIOR

Conventions ignored:

- Blocking is prevalent
- NANP numbering conventions ignored
- Conventional routing instructions ignored
- Interconnection rejected
- Artificial classifications P2P, A2P, Enterprise, etc. are code for fast lanes and paid prioritization

As a result:

- Innovation is stifled
- Consumers and businesses are harmed
- The evolution of the PSTN is artificially constrained

Messaging is the only form of telecommunications where the Commission permits these disruptions to persist.





II. BACKGROUND ON PETITION

BLOCKING OF CONSENTED MESSAGES

Carriers routinely block lawful, consented, TCPA-compliant text messages from/to valid NANP numbers

- Precludes consumers from receiving the “unlimited” messaging they are promised
- Consumers, application providers, and others not informed of blocking
- Carrier blocking opaque
- Harms the ubiquity and seamlessness of the PSTN, as well as innovative business

This docket WT 08-7 documents the ongoing blocking of consented messages:

- Emergency health care messages see *ClearCare*
- Teacher / Parent / Student communications see *Remind*
- Real-estate listing showing instructions see *ShowingTime and Zillow*
- Application authentication codes see *Foursquare*
- Law enforcement see *NexGen*



II. BACKGROUND ON PETITION

COMMISSION PRECEDENT

It is uncontroversial that:

- Messages are “calls” under the TCPA, Title II
- Messages are telecommunications services
- Messages are CMRS

Accordingly, numbering, non-blocking, interconnection, and reasonable rate provisions must apply.

Precedent supports an immediate interim ruling reaffirming the prohibition against call blocking.

The WCB has issued at least two such declarations *on its own motion* in Dockets 01-92 and 07-135 (27 FCC Rcd. 1351 (2012) and 22 FCC Rcd. 11629 (2007))

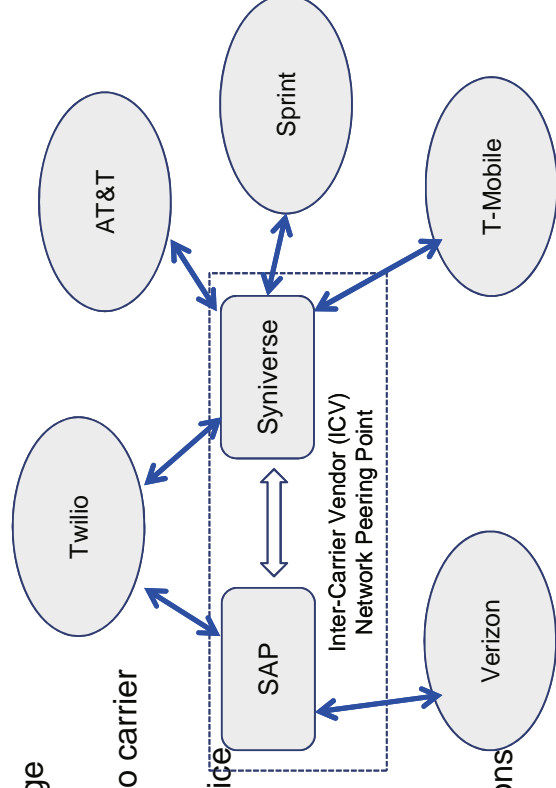
- Traffic should flow unfettered while the Commission works to address the issues in this docket
- Consumer protections apply to all calls



II. BACKGROUND ON PETITION

March 2014 Configuration NANP Message Routing

- All NANP numbers routed equally, including toll free range
- Twilio and other participants connect and treated equal to carrier
- All participants enjoy right to choose ICV provider of choice
- Consented messages flow unharmed
- Capital markets operate freely to set commercial terms
- Seamless and ubiquitous NANP message communications

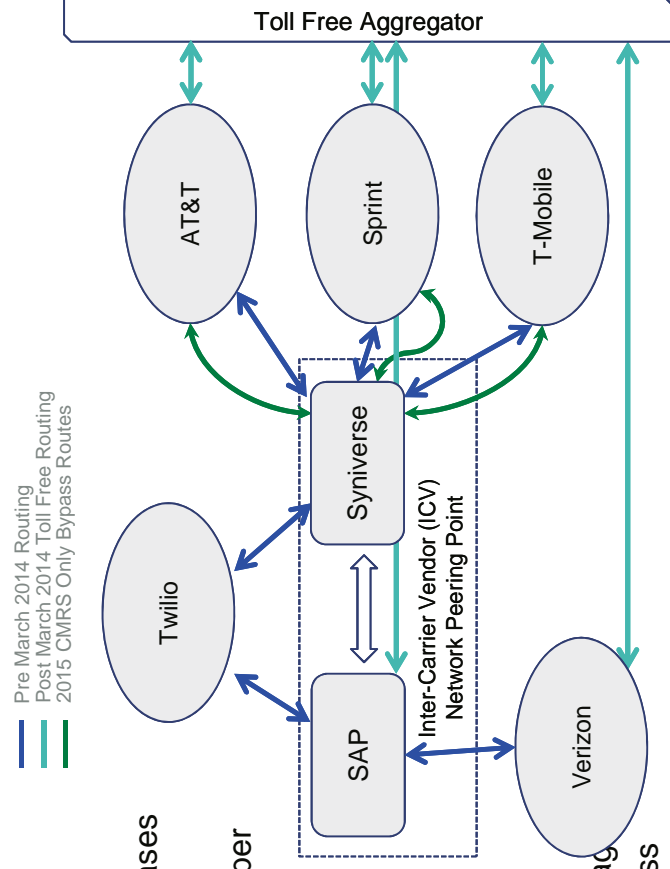




II. BACKGROUND ON PETITION

Post - March 2014 NANP Message Routing

- Carriers assert unilateral authority over messaging and begin disrupting consented messages and use cases
- Verizon, AT&T, T-Mobile, USCC block toll free number range and reroute to single toll free aggregator; force Twilio and others into commercial agreements to restore routing
- Sprint applies new fee specifically and only to all non CMRS operators
- Carrier bypass lanes for all CMRS originated messages means carriers' messages treated differently regardless of consumer consent





III. CARRIER BLOCKING HARMS CONSUMERS

Over 100 million messages blocked since July 2015.

- “Operational error?”

Wide Ranging Impact

- Over 3,000 Twilio customers’ messages blocked in March 2016.

Disproportionate Distribution

- 2 Twilio customers had more than 1 million messages blocked...
- 15 Twilio customers had at least 100,000 messages blocked...
- 26 Twilio customers had at least 50,000 messages blocked...
- 87 Twilio customers had at least 10,000 messages blocked in March 2016.

2016	Messages Filtered
January	6.2 million
February	13.0 million
March	11.6 million

BLOCKING IS DIRECTLY LIMITING THE EVOLUTION AND GROWTH OF THE MOBILE ECONOMY



III. CARRIER BLOCKING HARMS CONSUMERS

The record in this docket demonstrates serious and ongoing harm to consumers due to carrier blocking of consented messages:

Emergency services, see Trek Medics International:

“Arbitrary blocking of our messages means that sometimes paramedics will find out when somebody is dying, and sometimes they won’t...”

Health Care messages, see ClearCare:

“[A] caregiver may miss their shift, which could mean that the senior citizen could miss critical care that they need.”

Teacher / Parent / Student communications, see Remind:

“... contextually filtering messages, applying arbitrary rules on traffic balance, volumetric filtering, and blacklisting telephone numbers are causing irreparable harm to teachers and students...more than 150,000 teacher/student interactions per day are being disrupted.”



III. CARRIER BLOCKING HARMS CONSUMERS

The record in this docket demonstrates serious and ongoing harm to consumers due to carrier blocking of consented messages:

Emergency services, see NexGen:

Delayed short code application means they paid the wireless carriers' trade group tens of thousands of dollars for the "privilege" of seeking to introduce a new service – here a NG911 application – that could literally save lives.

Advocacy and non-profit, see Polaris:

"Arbitrary message filtering on public service applications such as ours can have profound negative impacts on the individual and on our communities."

Application authentication codes, see Foursquare:

"There are periods where Foursquare has seen 100% of the messages being blocked by certain carriers."



III. CARRIER BLOCKING HARMS CONSUMERS

Carrier blocking and the broken CTIA system limits innovation and economic growth daily

Cybersecurity – the US is falling behind

- SMS-based password authentication among the best methods to prevent hacking
- Authentication messages routinely blocked by carriers

Internet of Things – the US is falling behind

- SMS-based communication is fundamental to interconnected devices
- Consumer-to-device messages routinely blocked by carriers

Chatbots – the US is falling behind

- SMS-based communication fundamental to market development
- Widely recognized as the next generation of applications
- Cannot work on an interconnected basis today



III. CARRIER BLOCKING HARMS CONSUMERS

Commissioner Clyburn on Open Internet Order

“This is more than a theoretical exercise. Providers here in the United States have, in fact, blocked applications on mobile devices, which not only hampers free expression but also restricts competition and innovation by allowing companies, not the consumer, to pick winners and losers.”

“The consumer ... not me, not the government and not the industry, but you, the consumer, makes these decisions.”

“We are here to ensure that every American has the ability to communicate by their preferred means over their chosen platform.”

“The item contains strong, clear rules to ensure that all content, all applications and all bits are treated equally. These are all essential to the free market and this is pro-competitive.”



IV. NO MATERIAL FACTS ARE IN DISPUTE

CONSENTED, TCPA COMPLIANT MESSAGES ARE BEING BLOCKED

- Carriers acting unilaterally and without consumer consent to read/block messages
- Ongoing disruption to public safety, emergency, classroom, customer service, employer/employee messages

Carrier NANP blocking practices discriminate in favor of the CTIA Common Short Code system and their competing services

- Messages blocked on NANP numbers flow through on CSCs
- CSC system materially more expensive, less functionality than NANP messaging
- Carriers offer their own NANP-based texting services that are not subject to gatekeeper blocking and discriminatory treatment



IV. NO MATERIAL FACTS ARE IN DISPUTE

Commissioner Rosenworcel on Open Internet Order

“We cannot have a two-tiered Internet with fast lanes that speed the traffic of the privileged and leave the rest of us lagging behind. We cannot have gatekeepers who tell us what we can and cannot do and where we can and cannot go online. And we do not need blocking, throttling, and paid prioritization schemes that undermine the Internet as we know it.”



V. CONSUMER CONSENT SHOULD BE GUIDING PRINCIPLE

TCPA REGULATIONS DEFINE CONSENTED TEXT MESSAGES

The Commission's TCPA framework empowers consumers to:

- Provide and revoke consent (e.g., "STOP")
- Pursue class action litigation, a major deterrent and behavior modifier
- Adopt and implement technology for consumer-initiated blocking/filtering

The Commission's TCPA regulations set forth a well-defined and accepted framework for classifying voice and text calls as unsolicited, "spam" calls.

The consumer's perspective is key; as Chairman Wheeler recently noted regarding this proceeding, the task is:

*"ensuring that **consumers** receive the text messages **they** want while protecting **consumers** from **unwanted** messages"* (emphasis added)



V. CONSUMER CONSENT SHOULD BE GUIDING PRINCIPLE

CARRIERS AND OTHERS CAN REASONABLY MANAGE THEIR NETWORKS

The Commission has repeatedly emphasized that carriers can take action to reasonably manage their networks

Bringing messaging affirmatively under the Commission's well-understood Title II framework would promote positive network management practices and protect consumers:

- Cooperation and coordination among all providers
- Enable the ability to suspend and investigate sources of unsolicited messaging
- Prohibit blocking of messages that consumers want to send and receive
- Protect consumers and enable the networks and industry to evolve in a healthy way
- Protect networks and emphasize ubiquity and seamlessness of national communications infrastructure



V. CONSUMER CONSENT SHOULD BE GUIDING PRINCIPLE

CARRIERS AND OTHERS CAN REASONABLY MANAGE THEIR NETWORKS

Best Practices

- Account level suspension by behavioral, financial indicators, not volumetric
- Message rule based heuristics, fingerprints and machine learning
- Opt-out monitoring
- Instantaneous intervention and response with 24/7 NOC, route analysts and fraud services team



V. CONSUMER CONSENT SHOULD BE GUIDING PRINCIPLE

Chairman Wheeler on Open Internet Order

"We know from the history of previous networks that both human nature and economic opportunism act to encourage network owners to become **gatekeepers** that prioritize their interests above the interests of their users."

"These **enforceable, bright-line rules** assure the rights of Internet users to go where they want, when they want, and the **rights of innovators** to introduce new products without asking anyone's permission."

"The Order also includes a general conduct rule that can be used to stop new and novel threats to the Internet. That means there will be **basic ground rules and a referee on the field to enforce them**. If an action hurts consumers, competition, or innovation, the FCC will have the authority to throw the flag."

"Today's Order also asserts **jurisdiction over interconnection**. The core principle is the Internet must remain open. We will protect this on the last mile and at the point of interconnection."



VI. THE COMMISSION MUST ACT

SMS messaging is the most prevalent form of communication/calling today; it should be brought affirmatively into the Commission's regulatory framework.

- SMS messages utilize NANP numbers, the key hallmark of the PSTN.
- The Commission has found that SMS messages are “calls” under the TCPA, Section 227 of the Communications Act.
- Section 227 of the Act is codified under Title II; the D.C. Circuit has made clear that if a service is Title II for one purpose, it's Title II for all purposes.
- The Commission has ample authority to “forbear” from any Title II provisions that do not need to apply to SMS messaging.

STATEMENT OF CHAIRMAN TOM WHEELER

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

For over a decade, the Commission has endeavored to protect and promote the open Internet. FCC Chairs and Commissioners, Republican and Democrat alike, have embraced the importance of the open Internet, and the need to protect and promote that openness. Today is the culmination of that effort, as we adopt the strongest possible open Internet protections.

Last May, the Commission proposed a set of open Internet protections and, at the same time, asked an extensive series of questions about that proposal and about alternative approaches for protecting the open Internet. We asked about the benefits and drawbacks of different approaches, different rule formulations, and different legal theories. We asked the public to weigh in, and they responded like never before.

We heard from startups and world-leading tech companies. We heard from ISPs, large and small. We heard from public-interest groups and public-policy think tanks. We heard from Members of Congress, and, yes, the President. Most important, we heard from nearly 4 million Americans who overwhelmingly spoke up in favor of preserving a free and open Internet.

We listened. We learned. And we adjusted our approach based on the public record. In the process we saw a graphic example of why open and unfettered communications are essential to freedom of expression in the 21st century.

I am incredibly proud of the process the Commission has run in developing today's historic open Internet protections. I say that not just as the head of this agency, but as a U.S. citizen. Today's Open Internet Order is a shining example of American democracy at work.

It should not be surprising the public engaged like never before, because the stakes of the debate before the Commission have never been higher.

Broadband networks are the most powerful and pervasive connectivity in history. Broadband is reshaping our economy and recasting the patterns of our lives. Every day, we rely on high-speed connectivity to do our jobs, access entertainment, keep up with the news, express our views, and stay in touch with friends and family.

There are three simple keys to our broadband future. Broadband networks must be fast. Broadband networks must be fair. Broadband networks must be open.

We know from the history of previous networks that both human nature and economic opportunism act to encourage network owners to become gatekeepers that prioritize their interests above the interests of their users. As the D.C. Circuit observed in the Verizon decision and as the public record affirms, broadband providers have both the economic incentive and the technological capability to abuse their gatekeeper position.

Our challenge is to achieve two equally important goals: ensure incentives for private investment in broadband infrastructure so the U.S. has world-leading networks and ensure that those networks are fast, fair, and open for all Americans.

The Open Internet Order achieves those goals, giving consumers, innovators, and entrepreneurs the

protections they deserve, while providing certainty for broadband providers and the online marketplace.

The Open Internet Order reclassifies broadband Internet access as a “telecommunications service” under Title II of the Communications Act while simultaneously foregoing utility-style, burdensome regulation that would harm investment. This modernized Title II will ensure the FCC can rely on the strongest legal foundation to preserve and protect an open Internet.

Allow me to emphasize that word “modernized.” We have heard endless repetition of the talking point that “Title II is old-style, 1930’s monopoly regulation.” It’s a good sound bite, but it is misleading when used to describe the modernized version of Title II in this Order.

Today’s Order will also use the significant powers in Section 706, not as a substitute but as a complement. This one-two punch applies both Title II, as well as Section 706, to protect broadband Internet access. It is the FCC using all of the tools in its toolbox to protect innovators and consumers.

Building on this strong legal foundation, the Open Internet Order will:

- Ban Paid Prioritization: “Fast lanes” will not divide the Internet into “haves” and “have-nots.”
- Ban Blocking: Consumers must get what they pay for – unfettered access to any lawful content on the Internet.
- Ban Throttling: Degrading access to legal content and services can have the same effect as blocking and will not be permitted.

These enforceable, bright-line rules assure the rights of Internet users to go where they want, when they want, and the rights of innovators to introduce new products without asking anyone’s permission.

The Order also includes a general conduct rule that can be used to stop new and novel threats to the Internet. That means there will be basic ground rules and a referee on the field to enforce them. If an action hurts consumers, competition, or innovation, the FCC will have the authority to throw the flag.

Under the Order we adopt today, open Internet protections would – for the first time – apply equally to both fixed and mobile networks. Mobile wireless networks account for 55 percent of Internet usage. We cannot have two sets of Internet protections – one fixed and one mobile – when the difference is increasingly anachronistic to consumers.

Today’s Order also asserts jurisdiction over interconnection. The core principle is the Internet must remain open. We will protect this on the last mile and at the point of interconnection.

We also ensure that network operators continue to have the incentives they need to invest in their networks. Let me be clear, the FCC will not impose “utility style” regulation. We forbear from sections of Title II that pose a meaningful threat to network investment, and over 700 provisions of the FCC’s rules. That means no rate regulation, no filing of tariffs, and no network unbundling. During the 22 years that wireless voice has been regulated under a light-touch Title II like we propose today, there has never been concern about the ability of wireless companies to price competitively, flexibly, or quickly, or their ability to achieve a return on their investment.

The American people reasonably expect and deserve an Internet that is fast, fair, and open. Today they get what they deserve: strong, enforceable rules that will ensure the Internet remains open, now and in the future.

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

Following years of vigorous debate, the United States adopted the Bill of Rights in 1791. The Framers recognized that basic freedoms, as enshrined in the first ten amendments to the Constitution, were fundamental to a free and open democratic society.

James Madison gave life to the First Amendment in a scant 45 words, which are fundamental to the spirit of this great nation. Almost two centuries later, Justice William Brennan would write in the historic 1964 *New York Times v. Sullivan* decision that “debate on public issues. . . [should be] . . . uninhibited, robust and wide-open.”¹ I believe President Madison and Justice Brennan would be particularly proud of the rigorous, robust, and unfettered debate that has led us to this historic moment. . . . And what a moment it is.

I believe the Framers would be pleased to see these principles embodied in a platform that has become such an important part of our lives. I also believe that they never envisioned a government that would include the input and leadership of women, people of color, and immigrants, or that there would be such an open process that would enable more than four million citizens to have a direct conversation with their government. They would be extremely amazed, I venture to say, because even we are amazed.

So here we are, 224 years later, at a pivotal fork in the road, poised to preserve those very same virtues of a democratic society – free speech, freedom of religion, a free press, freedom of assembly and a functioning free market.

As we look around the world we see foreign governments blocking access to websites including social media -- in sum, curtailing free speech. There are countries where it is routine for governments, not the consumer, to determine the type of websites and content that can be accessed by its citizens. I am proud to be able to say that we are not among them.

Absent the rules we adopt today, however, any Internet Service Provider (ISP) has the liberty to do just that. They would be free to block, throttle, favor or discriminate against traffic or extract tolls from any user for any reason or for no reason at all.

This is more than a theoretical exercise. Providers here in the United States have, in fact, blocked applications on mobile devices, which not only hampers free expression but also restricts competition and innovation by allowing companies, not the consumer, to pick winners and losers.

As many of you know, this is not my first Open Internet rodeo. While I did vote to approve the 2010 rules, it was no secret that I preferred a different path than the one the Commission ultimately adopted. Specifically, I preferred: (1) Title II with forbearance, (2) mobile parity, (3) a ban on paid prioritization, and (4) preventing the specialized services exemption from becoming a loophole.

So, I am sincerely grateful to the Chairman for his willingness to work with my office to better ensure that this Order strikes the right balance and is positioned to provide us with strong, legally sustainable rules. This is our third bite at the apple and we must get it right.

Today, we are here to answer a few simple questions:

¹ *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

- Who determines how you use the Internet?
- Who decides what content you can view and when?
- Should there be a single Internet or fast lanes and slow lanes?
- Should Internet service providers be left free to slow down or throttle certain applications or content as they see fit?
- Should your access to the Internet on your mobile device have the same protections as your fixed device at home?

These questions, for me, get to the essence of the Open Internet debate: How do we continue to ensure that consumers have the tools they need to decide based on their own user experience. The consumer ... not me, not the government and not the industry, but you, the consumer, makes these decisions.

Keeping in touch with your loved one overseas; interacting with your health care provider, even if you are miles away from the closest medical facility; enrolling in courses online to improve your educational, professional or entrepreneurial potential without worrying whether the university paid for a fast lane to ensure that the lecture won't buffer for hours because the quality has been degraded or throttled; not wondering if that business affiliated with your Internet Service Provider is getting preferential treatment over that start up you worked so hard to establish.

We are here so that teachers don't have to give a second thought about assigning homework that can only be researched online because they are sure that their students are free to access any lawful website, and that such websites won't load at dial-up speed. And, today, we are answering the calls of more than four million commenters who raised their voices and made a difference through civic, and sometimes not so civil, discourse.

We are here to ensure that every American has the ability to communicate by their preferred means over their chosen platform, because as one of our greatest civil rights pioneers, Representative John Lewis, said so eloquently: "If we had the Internet during the movement, we could have done more, much more, to bring people together from all around the country, to organize and work together, to build the beloved community. That is why it is so important for us to protect the Internet. Every voice matters and we cannot let the interests of profit silence the voices of those pursuing human dignity."

We are here to ensure that there is only one Internet where all applications, new products, ideas and points of view, have an equal chance of being seen and heard. We are here because we want to enable those with deep pockets, as well as those with empty pockets, the same opportunities to succeed.

There are many aspects of this item that I am particularly pleased to support. And, while time and stamina prohibit me from naming them all, I do want to highlight a few.

Mobile Parity. Users of mobile devices should not be relegated to a second class Internet. We know that many low-income Americans rely heavily on their mobile device and, for some, that mobile device is their only access to the Internet. They need and deserve a robust experience on par with their wired peers. So again, I thank the Chairman for ensuring equality and erasing the mobile versus fixed distinction.

No Blocking, No Throttling, No Paid Prioritization. The item contains strong, clear rules to ensure that all content, all applications and all bits are treated equally. These are all essential to the free market and this is pro-competitive.

No Loopholes. We must also ensure that companies are not able to take actions that circumvent or undermine the Open Internet rules, whether through exemptions in the definition or at the point of interconnection. And despite a flurry of press reports earlier this week, I would never advocate for any policy that undermines FCC oversight or enforcement of any open Internet protections including interconnection. I'm pleased that the Order commits to monitor Internet traffic exchange arrangements, and enables the FCC to intervene, if appropriate.

Promoting Affordable Access. I have also been vocal about my call to modernize the Lifeline program, which has been stuck in an MC Hammer, parachute-pants time warp since 1985. The Order enables the FCC to support broadband as a separate service, which will truly help low-income communities break out of digital darkness.

In the seemingly endless meetings with stakeholders, my office has heard concerns from many sides. To some, the item does not go far enough, others want a ban on "access fees," and there are those who advocate a ban on zero rating, and others, who feel that it goes too far, whether on the scope of forbearance or the focus on interconnection.

We worked closely with the Chairman's office to strike an appropriate balance and yes, it is true, that significant changes were made at the request of my office, including the elimination of the sender-side classification. I firmly believe these edits have strengthened this item. Reports that this weakens our legal authority over interconnection are completely inaccurate.

But it should come as no surprise that, with any item in excess of 300 pages, there are a few issues I would have decided differently.

First, I would have preferred to readopt the unreasonable discrimination and reasonable network management rules from 2010.

Second, I think we should tread lightly when it comes to preempting the states' ability to adopt and implement their own universal service funds. Not doing so could put a strain on the tremendous federal-state partnership that I have worked so hard to create, and state universal service funds are completely distinct from any federal program.

Finally, I have been struck by how much rhetoric in this proceeding is completely divorced from reality. While as a rule, I generally refrain from responding, in this case, I must address concerns about rate regulation.

Many of you know that reforming the inmate calling service regime has been a priority for me. Despite clear legal authority, the FCC dragged its feet for over a decade, while families, friends, lawyers, and clergy, paid egregiously high and patently unlawful fees to make a simple phone call to and from inmate facilities.

I bring this up today because the inmate calling proceeding represents a prime example of how the FCC resisted rate regulation for years, even where consumers were subjected to blatantly unreasonable charges by providers with a clear monopoly, where severe costs to society were evident, and where there was a clear case of market failure. So, for those in a panic about rate regulation, there are millions who can testify to how high the bar is when it comes to the FCC intervening on rates and charges.

And I repeat this challenge to anyone willing to accept it: Highlight examples, where the FCC has ruled that a rate is unreasonable in a context other than inmate calling or a tariff investigation over the last decade. To date, no one has come forth with any examples, and that in and of itself is telling.

And, lest we forget, over 700 small broadband providers in rural America offer broadband Internet access pursuant to the full panoply of Title II regulation. They contribute to universal service and, amazingly, the sky has not fallen and things are okay. Indeed, such carriers advocated that the Open Internet proceeding not change their status and require a lighter touch Title II.² Their retail broadband Internet access rates are not regulated, and I am unaware of any stream of class action lawsuits. Even so, the item does assert primary jurisdiction to reduce such concerns.

Mr. Chairman, today I support this item because I believe it provides the strong protections we need and balances the concerns raised by stakeholders, large and small.

The Order we are poised to adopt is not the product of some artificial life force. A dedicated team from the Wireline Competition and Wireless Telecommunications Bureaus and Office of General Counsel worked extremely hard on this significant item. There are too many people to thank, but I would be remiss if I didn't mention Jonathan Sallet, Stephanie Weiner, Matt DelNero, Claude Aiken, Marcus Maher, Roger Sherman, Jim Schlichting, Joel Taubenblatt, and Michael Janson. And, of course, I must thank my legal advisors, Louis Peraertz and Rebekah Goodheart for their hard work and dedication. Last, but not least, I want to thank you, the American people – more than four million strong, for your role in framing this historic Order. Today, we better enable millions to tell their stories, reach their potential and realize their American ideals.

² See Letter from Michael R. Romano, Senior Vice President Policy, NTCA, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-28; CC Docket No. 96-45; WC Docket No. 06-122, at 2 (Feb. 13, 2015) (“NTCA and NECA urged the Commission to ensure that small rural telcos such as those within their respective memberships can continue to avail themselves of the option to tariff broadband-capable transmission services that underpin retail broadband Internet access services.”).

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

Our Internet economy is the envy of the world. We invented it. The applications economy began here—on our shores. The broadband below us and the airwaves all around us deliver its collective might to our homes and businesses in communities across the country. What produced this dynamic engine of entrepreneurship and experimentation is a foundation of openness. Sustaining what has made us innovative, fierce, and creative should not be a choice—it should be an obligation.

We also have a duty—a duty to protect what has made the Internet the most dynamic platform for free speech ever invented. It is our printing press. It is our town square. It is our individual soapbox—and our shared platform for opportunity.

That is why open Internet policies matter. That is why I support network neutrality.

We cannot have a two-tiered Internet with fast lanes that speed the traffic of the privileged and leave the rest of us lagging behind. We cannot have gatekeepers who tell us what we can and cannot do and where we can and cannot go online. And we do not need blocking, throttling, and paid prioritization schemes that undermine the Internet as we know it.

For these reasons, I support Chairman Wheeler's efforts and rules today. They use our existing statutory tools, including Title II authority, to put back in place basic open Internet policies that we all rely on but last year our courts took away. The result honors the creative, collaborative, and open Internet envisioned by those who were there at the start, including the legendary Sir Tim Berners-Lee, the creator of the World Wide Web—whom we have had the privilege of hearing from today.

This is a big deal. What is also a big deal is 4 million voices. Four million Americans wrote this agency to make known their ideas, thoughts, and deeply-held opinions about Internet openness. They lit up our phone lines, clogged our e-mail in-boxes, and jammed our online comment system. That might be messy, but whatever our disagreements on network neutrality are, I hope we can agree that's democracy in action and something we can all support.

Remind101, Inc.
Sample of Messages Wrongly Blocked by
Mobile Operators, April 25-26, 2016

Transactional message examples (highest block rate)

Remind Updates: This is the thread for Remind messages from <Teacher Name>. You can save this number to your contacts.

Remind Updates: Thanks! Please reply with your full name so <Teacher Name> knows who you are.

Remind Updates: Mrs. <Teacher Name> is starting a Remind Chat with you and <Other Student Name>. You can reply with a text to this number!

List of representative non-transactional messages

Grade 9 RAP Vocal: Come get the IMPORTANT letter about OTTAWA ASAP (before you leave today). Room 108 :) - Reply to message your teacher

Concert Band: Full band sectional after school! Everyone involved in UIL needs to be there! See you at 3:15! - Sent via Remind.com

Hey, we are working on our EBP research and have a question about whether or not reviews of other studies would be appropriate for our research articles?

All Grade 7s and grade 8 girls have immunizations tomorrow. Please wear a short sleeve shirt and eat a good breakfast before school.

Hi there. Reminder that we are doing a random act of kindness tomorrow for the ladies who come to our school to help with school meals.

Grade1: Please drop off donations of baked goods to the school on Friday. Thank you for your continued support. - Reply to message your teacher

Grade 1: Book orders due tomorrow and another field trip form went home today. Please return asap.

Science: Rocket launch tomorrow weather pending. Please bring old outdoor shoes for launch and materials for your egg500 car - Sent via Remind.com

Biology: Quiz tomorrow on your notes from Structure of Genetic Material. All the slides and all the practice questions! Good luck!

<Teacher Name> 2015 -: Remember to bring in a canned good for Outreach for Hunger tomorrow! - Sent via Remind.com

Grade 7: Reminder: No classes tomorrow, due to non-instructional day for staff

Guidance 12: This job fair is on May 9th. If you would like to attend, please see Ms. <Teacher Name> ASAP for a permission form <http://rmd.me/jr3x>

Academic Success: I expect to see all of you at 9 am sharp tomorrow morning! You NEED to be tested in order to receive free classes and accommodations!!!

<Teacher Name>: P.S: Our SCC Meeting is CANCELLED tonight. New date to follow shortly. - Sent via Remind.com

GLC205: Please bring in permission forms for Student Success conference. Submit them to Mr. Laurin in student services. - Sent via Remind.com

Period 1: Grade 10: Don't forget to study for your Unit 3 test (tomorrow)! Good luck!
- Reply to message your teacher

Ask your child about multiplying! We have started looking at the 0, 1, 2, and 3 X tables. We are learning different strategies to multiply.

Grade 10: Free non uniform day Thursday for multicultural night. Please wear the colours of your country of heritage. - Sent via Remind.com

Parents: Students gr 5-8 attended Internet safety. Websites went home with students. Be sure to see these and ask questions. - Sent via Remind.com

Room 111: Today we read "Mr Happy". Ask your child to do a 4 finger retell at home and send us a quick note in their bee bag! <http://rmd.me/jpK>

Hey, I just had a question about the homework tonight... [another student] said that an extended sentence is a sentence that has the 5 W's in it? So each sentence has to have who, what, where, when, and why in it?? Thank you for your help!

MDM4U: If you were present this morning but absent for this quiz, and did not inform me you were leaving, it's considered a truant and you get zero

Anti-bullying Comm: Great work today team! Meeting tomorrow at 11:50 in Rm 204 to debrief and to talk recruitment strategy (pizza lunch delayed).

Ask your child about Scientist in the School yesterday. We were pedologists and learned interesting facts about soil. - Sent via Remind.com

4/5 <Teacher Name>: Read and Reflex. Bake sale tomorrow. Congrats Leah and Micah for winning the poetry contest for last week. Top 2 both from our class!!

D1_3_2015_VMPM1D_A: ****REMINDER OF YOUR TEST TOMORROW**** on Ch 5 and 6.1 to 6.3. Please do all qns from page 352 and pages 356 - 357 as preparation. Review EQAO qns on Linear and your last test. Kudos to those who showed up to HW help today! Let's rock this test everyone!! - Sent via Remind.com

Grade 9 Science 2: Complete the Differences Between Chemical & Physical Change booklets. Chemistry quiz on Friday, April 15. Start studying now!!

<Teacher Name>: This was sent to me from a dear friend Fwd: Fwd: Pray 4 India Fwd: Rev Toni Johnson Urgent prayer request. "Pray for the Church in India, they burned down 20 churches last night and tonight they want to destroy, more than 200 churches in Olisabang province. They want to kill 200 missionaries within the next 24 hours. All Christians are hiding in villages.... Pray for them and send this message to all Christians you know. Ask God to have mercy on our brothers and sisters in India. "When you receive this message, please urgently send it to other people. Please pray for the 22 Christian Missionary families sentenced to be executed by Islamists in Afghanistan. Please PASS this as fast as u so that many will pray!!! Please tonight. Please bombard the gates of Heaven in prayer for our sisters and brothers in Christ in India. Thank you!

D1_1_2015_MAP4C_1_: Reminder of HW HELP in room 209 after school today. Come and do your homework and leave your textbook at school!! :) Ms Annetta - Sent via Remind.com

ENG3U: We've got the bus. First 46 to get permission forms in gets to go to the Hip Hop Education trip on April 21. See googleclassroom for deets.